

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CBV, INC.,

Plaintiff

v.

CHANBOND, LLC,

Defendant.

C.A. No. 1:21-cv-01456-MN

FILED UNDER SEAL

**PLAINTIFF CBV, INC.’S MOTION FOR A TEMPORARY RESTRAINING ORDER,
PRELIMINARY INJUNCTION, AND FOR EXPEDITED DISCOVERY**

Plaintiff CBV, Inc. (“CBV” or “Plaintiff”) respectfully moves this Court for entry of a temporary restraining order and a preliminary injunction enjoining and restraining Defendant ChanBond, LLC (“Defendant” or “ChanBond”) from distributing funds held in trust by Eastern Point Trust Company derived from the settlement of various patent suits (the “Settlement Funds”).¹

A temporary restraining order and preliminary injunction are necessary because IPNav, LLC (“IPNav”) and/or Dierdre Leane received an arbitration award in the amount of \$27.5 million from the Settlement Funds on Tuesday March 8, 2022 against ChanBond. These very same

¹ Upon information and belief, the funds held in escrow amount to approximately \$38,800,000. These funds are the remainder of \$125,000,000 from settlement of the following suits: *ChanBond, LLC v. WideOpen West Finance, LLC*, No. 1:15-cv-00854 (D. Del. Sep 21, 2015); *ChanBond, LLC v. WaveDivision Holdings, LLC*, No. 1:15-cv-00853 (D. Del. Sep 21, 2015); *ChanBond, LLC v. Time Warner Cable Inc. et al.*, No. 1:15-cv-00852 (D. Del. Sep 21, 2015); *ChanBond, LLC v. RCN Telecom Services, LLC*, No. 1:15-cv-00851 (D. Del. Sep 21, 2015); *ChanBond, LLC v. Mediacom Communications Corporation*, No. 1:15-cv-00850 (D. Del. Sep 21, 2015); *ChanBond, LLC v. Cox Communications, Inc. et al.*, No. 1:15-cv-00849 (D. Del. Sep 21, 2015); *ChanBond, LLC v. Comcast Corporation et al.*, No. 1:15-cv-00848 (D. Del. Sep 21, 2015); *ChanBond, LLC v. Charter Communications, Inc.*, No. 1:15-cv-00847 (D. Del. Sep 21, 2015); *ChanBond, LLC v. Cequel Communications, LLC et al.*, No. 1:15-cv-00846 (D. Del. Sep 21, 2015); *ChanBond, LLC v. Cablevision Systems Corporation et al.*, No. 1:15-cv-00845 (D. Del. Sep 21, 2015); *ChanBond, LLC v. Cable One Inc.*, No. 1:15-cv-00844 (D. Del. Sep 21, 2015); *ChanBond, LLC v. Bright House Networks, LLC*, No. 1:15-cv-00843 (D. Del. Sep 21, 2015); *ChanBond, LLC v. Atlantic Broadband Group, LLC, et al.*, No. 1:15-cv-00842 (D. Del. Sep 21, 2015).

Settlement Funds are directly at issue in this action, ChanBond claims entitlement to these funds, and any distribution of the funds by ChanBond will irreparably harm CBV. Provisional relief is warranted here because CBV is likely to succeed on the merits of its claim and will be irreparably harmed in the absence of such relief.

In addition, CBV respectfully moves this Court for specific, limited, expedited discovery. Expedited discovery is reasonable where, as here, CBV seeks narrowly tailored information necessary to CBV's application for a temporary restraining order and preliminary injunction. CBV's requested expedited discovery is reasonable and appropriate, because it is limited to information regarding ChanBond's escrow and/or trust agreement with Eastern Point Trust Company. ChanBond would not be prejudiced if ordered to produce the requested information on an expedited basis.

Accordingly, CBV respectfully requests the following expedited discovery:

- (a) All documents and/or communications concerning ChanBond's agreement with Eastern Point Trust Company related to the Settlement Funds;
- (b) The Arbitration Award issued on or about March 8, 2022.

The complete grounds for this Motion are set forth in CBV's Opening Brief, submitted herewith. Proposed forms of Order for each motion are also submitted herewith.

BUCHANAN, INGERSOLL & ROONEY PC

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